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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/634,142	08/08/2000	Philip I. Siegel	PD-990017	4277

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PATENT DOCKET ADMINISTRATION RE/R11/A109  
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EXAMINER

CURCIO, JAMES A F

ART UNIT

PAPER NUMBER

2132

DATE MAILED: 04/29/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

SC

## Office Action Summary

Application No.

09/634,142

Applicant(s)

SIEGEL, PHILIP I.

Examiner

James Curcio

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 8 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 17-28 is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 3-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Allowable Subject Matter*

1. Claims 3-16 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

2. Claims 17-28 allowed.

3. The following is an examiner's statement of reasons for allowing claims 17-28:

The closest prior art, Wilson (US005742680A), discloses a first processor and a second processor wherein the first and second processor are activated by two differing activating signals and wherein the first and second processors are communicable with an electrical device for receiving. Wilson also discloses that the first and second processors are included on smart cards. Wilson does not expressly disclose that the first and second processors are included on the same smart card. Nor does Wilson disclose a removable cover disabling one of the processors. However, Goldwasser et al (4926479) discloses that the first and second processors can be combined on one smart card and Fushimoto (4600257) discloses a removable cover for a processor on an IC card. Wilson can be modified such that both first and second processors are included on the same card as per the teachings of Goldwasser with the motivation being that creating one card instead of two costs less money and saves materials and that the receiving electrical device would involve less complexity and cost less if it were to include a slot for just one smart card instead of two slots as in Wilson. Wilson can also be modified such that one or both of the processors contains a removable cover as per

the teaching of Fushimoto with the motivation being to protect the processors from static electricity when they are not in use.

Neither Wilson, Goldwasser, nor Fushimoto disclose or suggest that the smart card comprises a cover that can be attached to the smart card for the specific purpose of preventing communications between the second processor and the electrical device. Fushimoto comes the closest to being able to serve this purpose but discloses that if the cover is covering the circuit when inserted, it will come into contact with the contacts in the circuit connector causing short-circuiting among the contacts, destroying the circuits and other apparatus parts.

The closest prior art also does not disclose or suggest a backup activating signal or a step for transmitting a backup-activating signal when the primary activating signal is insufficient to enable decoding.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 2 rejected under 35 U.S.C. 102(b) as being anticipated by Wilson (US005742680A). Wilson discloses the following:

a first processor, for decrypting (column 1, lines 5-16 and claim 1);

a second processor, for decrypting (column 1, lines 5-16 and claim 1);

wherein the first processor is activated by a first activating signal and the second processor is activated by a second activating signal (column 1, lines 5-16 and claim 1);

wherein the first and second processors are communicable with an electrical device (column 1, lines 5-16 and claim 1).

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Goldwasser et al (4926479)

b. Fushimoto (4600257)

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Curcio whose telephone number is 703-305-8887. The examiner can normally be reached on Tuesday through Friday from 7 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron, can be reached on Monday through Friday. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic

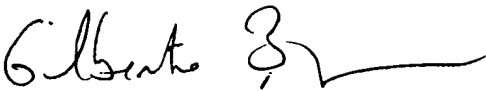
Business Center (EBC) at 866-217-9197 (toll-free).

JC

April 21, 2004

JC

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